

REMARKS/ARGUMENTS

Claims 1-30 are pending in the present application with claims 1, 11, and 21 being the independent claims. No new matter is added by these amendments.

The Applicant respectfully requests that the Examiner withdraw all outstanding objections and rejections in view of the following remarks.

I. EXAMINER'S RESPONSE TO APPLICANT'S ARGUMENTS

The Applicant is appreciative of the Examiner's mapping of the language in the claims to better explain the rejection. See Office Action at page 2. The Applicant notes that it was the Applicant that respectfully requested such clarification in the response mailed on July 15, 2009, as various aspects of the Office Action mailed on May 6, 2009, were unclear. In this regard, the Applicant further notes that "[i]t is important for an examiner to properly communicate the basis for a rejection so that the issues can be identified early and the applicant can be given fair opportunity to reply." See MPEP §706.02(j). The Applicant believes that because the Office Action of May 6, 2009, was unclear, the Applicant was not provided with a fair opportunity to reply. The Examiner proceeds to make various other statements regarding the Applicant's arguments, which the Applicant submits are moot in light of the above.

With respect to Dynarski et al. (U.S. Patent No. 6,272,129), hereinafter Dynarski, the Examiner takes the position that the Applicant misunderstood the communications disclosed in Dynarski, and in particular, that the home agent does not initiate communication but instead handles a communication from terminal 10 wishing to connect to terminal 14 on a different network. See Office Action at page 2. The Applicant respectfully disagrees and points out that nowhere in the response of July 15, 2009, did the Applicant characterize communication with respect to the home agent in the manner alleged by the Examiner. If the Examiner disagrees, the Applicant respectfully requests that the Examiner indicate where in the response of July 15, 2009, did such characterization occur.

Finally, the Examiner takes the position that the steps of "assigning" or "associating" addresses include activities such as routing packages, address translation,

and device location and authentication, which the Examiner alleges are performed by the headend disclosed in Dynarski. *See id.* The Applicant does not concede that the steps of "assigning" or "associating" addresses need necessarily include each of the activities listed above. The Applicant points out that the claims must be given their broadest reasonable interpretation in light of the specification and consistent with the interpretation that those skilled in the art would reach. *See* MPEP §2111 ("During patent examination, the pending claims 'must be given their broadest reasonable interpretation consistent with the specification.'")("The broadest reasonable interpretation of the claims must also be consistent with the interpretation that those skilled in the art would reach."). If the above position regarding "assigning" or "associating" addresses is to be maintained by the Examiner for purposes of examination, the Applicant respectfully requests that the Examiner provide an explanation of how such position is consistent with the specification and with the interpretation that those skilled in the art would reach.

II. REJECTION UNDER 35 U.S.C. §103

Claims 1-30 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Dynarski et al. (U.S. Patent No. 6,272,129), hereinafter Dynarski, in view of West et al. (U.S. Patent No. 6,934,754), hereinafter West. *See* Office Action at page 3.

The Applicant traverses this rejection and requests reconsideration for at least the reasons provided below.

A. Independent Claim 1

The Examiner states the following regarding claims 1, 11, and 21:

Dynarski teaches a method and system (abstract) for setting up devices for communication (col. 1, line 1 - col. 3, lines 35), the method comprising:

a. in a communication network (col. 4, lines 34-45) comprising a headend, wherein said headend enables access to said communication network for at least a first device (Fig. 1, #22, home agent),

- b. assigning, by said headend, an address to said first device coupled to said communication network (Fig. 1, #14), wherein said address is associated with said first device in said communication network at a time of said assigning (col. 5, lines 3-62); and
- c. in response to said headend receiving an identifier of said first device from said first device, communicating, by said headend, one or both of said transferred assigned address and/or said identifier of said first device to at least one communication server coupled to said communication network (col. 6, line 55 – col. 8, line 50).

See *id.* The Applicant respectfully disagrees.

The Applicant maintains, at least for the reasons provided before, that Dynarski fails to disclose, teach, or suggest “assigning, by said headend, an address to said first device coupled to said communication network,” as recited in the Applicant’s claim 1. The Applicant further submits that Dynarski fails to disclose, teach, or suggest “in response to said headend receiving an identifier of said first device from said first device, communicating, by said headend, one or both of said transferred assigned address and/or said identifier of said first device to at least one communication server coupled to said communication network,” which is also recited in the Applicant’s claim 1.

In this regard, Dynarski states the following:

The problem arises in how to route the IP packet from the terminal 10 (or 24) to the destination device, particularly where the home agent does not have any information as to where the device 14 is located. For example, the home agent 22 may not have a mobility binding record or other data from which an IP address is assigned to the device 14 which can be used to route the IP packet to the laptop 14. This situation may occur if the device has not been active in recent past, has moved into or out of the area, etc.

The authentication server 28, in a preferred embodiment, comprises a RADIUS server (a known device) providing accounting, authorization and authentication functions for a plurality of mobile users 14 and 16. Among other things, the authentication server 28 maintains a table in memory that maps a destination IP address found in the IP packet from the remote terminal 10 or 24 destined for the wireless device

14 with information uniquely identifying the device 14 that is being "called" by the remote terminal, such as the IMSI/ESN number assigned to the wireless device 14. In a preferred embodiment, the authentication server 28 determines from the IP address or IMSI or ESN number a particular network to use to locate the device, such as the local area network 26 or the Signaling System 7 network 36. The authentication server 28 returns a vendor-specific attribute which informs the home agent 22 whether to use the LAN 26 or the SS7 network to find the mobile device 14.

See Figure 1A and column 5, lines 19-27 and lines 45-61 of Dynarski. Dynarski further states the following:

The home agent then transmits an Access-Request message to the authentication server for authentication. An example of such an authentication server is a RADIUS server (a known device) providing accounting, authorization and authentication functions for a plurality of mobile users. The Access-Request message includes a destination IP address for the wireless device that was included in the IP packet from the terminal on the network.

The authentication server responsively issues an Access-Accept message to the home agent if the device is authorized to receive the IP packet, in other words, if the user operating the device has paid its bills, is a subscriber to the service, etc. The Access-Accept message includes two pieces of data: (a) information uniquely identifying the device that is being "called" by the remote terminal, such as the IMSI/ESN number of the device, and (b) information identifying a particular network to use to locate the device, such as the local area network or the Signaling System 7 network.

In the event that the local area network is specified, the home agent transmits a message, such as an Address Resolution Protocol (ARP) packet containing the IMSI/ESN number or other information uniquely identifying the device, on the designated network to a mobile node location server.

See *id.* at column 2, line 54 – column 3, line 9.

Therefore, Dynarski discloses having a home agent communicate with an authenticating server to determine the location of a wireless device with which a remote terminal is trying to communicate. See above. The home agent sends an Access-Request message with the destination IP address to the authentication server and the authentication server may return, to the home agent, an Access-Accept message with unique identifying information of the wireless device and the particular network in which it may be located. See *id.* While Dynarski discloses that the home agent sends a message to a mobile node location server with information that uniquely identifies the wireless device, such action is not in response to the wireless device providing the uniquely identifying information to the home agent. Instead, sending a message to the mobile node location server occurs after the uniquely identifying information is provided to the home agent by the authentication server. Thus, the Applicant respectfully submits that Dynarski fails to disclose, teach, or suggest "in response to said headend receiving an identifier of said first device from said first device, communicating, by said headend, one or both of said transferred assigned address and/or said identifier of said first device to at least one communication server coupled to said communication network," as recited in the Applicant's claim 1.

The Examiner concedes, and the Applicant agrees, that Dynarski fails to disclose that the address is associated with the first device in the communication network at a time of the assigning and the transferring, by the headend, of the assigned address to the device. See Office Action at page 4. The Examiner contends, however, that West overcomes those deficiencies in Dynarski and that, at the time the invention was made, one of ordinary skill in the art would add West to Dynarski to improve address management. See *id.*

The Applicant respectfully submits that even if one were to combine West and Dynarski as suggested by the Examiner, the propriety of which the Applicant does not concede, the proposed combination still fails to overcome the deficiencies stated above with respect to Dynarski.

For example, West discloses methods and apparatus to make use of existing hotel wiring infrastructures. See column 2, lines 61-64 of West. In Figure 1, West

discloses a head-end module (HEM) 124 connected to multiple in-room modules (IRM) 104 located in guest rooms 102 with a guest's telephone 106 and/or laptop 108 connected to the respective IRM 104. When a guest wishes to connect to the Internet, the HEM 124 or the IRM 104 may assign a network IP address to the guest's device or may translate the device's internal IP address if it already has one. See *id.* at column 5, line 50 – column 6, line 4. The network IP address may be temporarily associated with a globally unique IP address at the HEM 124. See column 6, lines 23-42. When the Internet transaction is complete, the globally unique IP address is disassociated and made available for subsequent transactions from any other hotel room and network IP address remains associated with the guest's device until the session ends. See *id.*

West, however, does not disclose, teach, or suggest "transferring, by said headend, said assigned address to said first device" and "in response to said headend receiving an identifier of said first device from said first device, communicating, by said headend, one or both of said transferred assigned address and/or said identifier of said first device to at least one communication server coupled to said communication network," as recited in the Applicant's claim 1. In West, assigning an IP address to a device without an internal IP address and translating the internal IP address of a device are mutually exclusive operations. Thus, based on the teachings of West, one cannot have the HEM 124 assign an IP address to a guest device and also receive the internal IP address from that same device such that one or both of the assigned IP address and the received internal IP address may be communicated to a server by the HEM 124.

Therefore, the Applicant respectfully submits that neither Dynarski nor West, alone or in combination, discloses, teaches, or suggests, the subject matter recited in claim 1, and thus, claim 1 is allowable. Consequently, the Applicant respectfully requests that the rejection of claim 1 under 35 U.S.C. §103(a) over the proposed combination of Dynarski and West be withdrawn.

The Applicant reserves the right to argue additional reasons beyond those set forth above to support the allowability of claim 1.

B. Independent Claims 11 and 21

Because independent claims 11 and 21 are similar in many aspects to claim 1, the Applicant respectfully submits that independent claims 11 and 21 are also allowable over the references cited at least for the reasons stated above with respect to claim 1. Consequently, the Applicant respectfully requests that the rejection of claims 11 and 21 under 35 U.S.C. §103(a) over the proposed combination of Dynarski and West be withdrawn.

The Applicant reserves the right to argue additional reasons beyond those set forth above to support the allowability of claims 11 and 21.

C. Dependent Claims 2-10, 12-20, and 22-30

Claims 2-10, 12-20, and 22-30 depend from claims 1, 11, and 21, respectively, and are, consequently, also respectfully submitted to be allowable. Therefore, the Applicant respectfully requests that the rejection of claims 2-10, 12-20, and 22-30 under 35 U.S.C. §103(a) over the proposed combination of Dynarski and West be withdrawn.

The Applicant reserves the right to argue additional reasons beyond those set forth above to support the allowability of claims 2-10, 12-20, and 22-30.

CONCLUSION

The Applicant believes that a full and complete response has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that further personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided. A prompt and favorable consideration of this application is respectfully requested. A notice of allowance is earnestly solicited.

The Commissioner is hereby authorized to charge any additional fees or credit any overpayment to Deposit Account No. 13-0017 in the name of McAndrews, Held & Malloy, Ltd.

Respectfully submitted,

Date: January 25, 2010

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